

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN WHITE,

Petitioner,

Case No. 2:05-cv-164

v.

Hon. Richard Alan Enslen

TIMOTHY LUOMA,

Respondent.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed August 10, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that petitioner's application is **DISMISSED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED** as to each issue raised by petitioner.

Dated in Kalamazoo, MI:
September 9, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge